

Honolulu, Hawaii

MAY 01 2015

RE: S.B. No. 387  
S.D. 2  
H.D. 3  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 387, S.D. 2, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO AFFIRMATIVE CONSENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish a task force to review and make recommendations on the University of Hawaii's executive policy on domestic violence, dating violence, sexual assault, and stalking.

Your Committee on Conference finds that affirmative consent policies adopted by hundreds of colleges and universities throughout the nation have contributed to supportive campus dialogues regarding healthy relationships and the necessity of consent in sexual activities by all parties. Your Committee on Conference further finds that these policies demonstrate a trend of growing commitment



within institutions of higher education to provide safe and respectful campus environments.

Your Committee on Conference further finds that the University of Hawaii Board of Regents recently adopted a new executive policy concerning sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This executive policy requires the various University of Hawaii campuses to implement a variety of comprehensive education and prevention programs and provide information and assistance for individuals who report alleged sexual harassment and sexual violence, as well as prompt and equitable complaint procedures and corrective actions capable of preventing future incidents of harassment and sexual violence.

Your Committee on Conference additionally finds that the University's new executive policy contains a definition of "affirmative consent" that is substantively similar to the definition contained in prior versions of this measure. Accordingly, language in this measure requiring the University to implement an affirmative consent policy is no longer necessary.

As such, this measure establishes an affirmative consent task force charged with reviewing and evaluating the current executive policy with particular focus on the current infrastructure, resources, and practices of the University of Hawaii. Your Committee on Conference notes that the diverse membership of this task force will help to ensure the development, adoption, and maintenance of a viable affirmative consent policy.

Your Committee on Conference has amended this measure by:

- (1) Changing the effective date to July 1, 2015; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

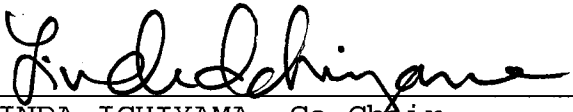
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 387, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 387, S.D. 2, H.D. 3, C.D. 1.




Respectfully submitted on behalf  
of the managers:

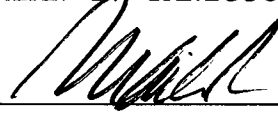
ON THE PART OF THE HOUSE

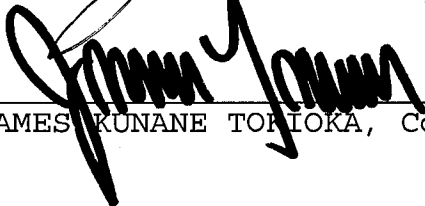
ON THE PART OF THE SENATE

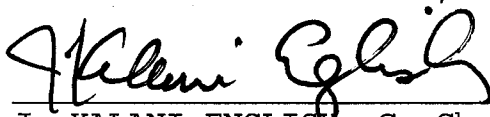
  
LINDA ICHiyAMA, Co-Chair

  
BRIAN T. TANIGUCHI, Chair

  
JOY A. SAN BUENAVENTURA, Co-Chair

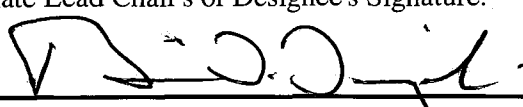

  
MAILE S.L. SHIMABUKURO, Co-Chair

  
JAMES KUNANE TOPIOKA, Co-Chair

  
J. KALANI ENGLISH, Co-Chair



Record of Votes of a  
Conference Committee

Bill/ Concurrent Resolution No.: <b>SB 387, SD 2, HD 3</b>					Date/Time: <b>MAY 1, 2015 11:15 AM</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				ICHIYAMA, Linda, Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				SAN BUENAVENTURA, Joy A., Co-Chr.	✓			
ENGLISH, J. Kalani, Co-Chr.	✓				TOKIOKA, James Kunane, Co-Chr.				✓
THIELEN, Laura H.	✓				MORIKAWA, Dee	✓			
SLOM, Sam				✓	MATSUMOTO, Lauren Kealohilani	✓			
TOTAL	4	0	0	1	TOTAL	4	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution: Original					Yellow				
File with Conference Committee Report					House Clerk's Office				
					Pink				
					Senate Clerk's Office				
					Goldenrod				
					Drafting Agency				